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EXAMINER

BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
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2178

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/037,683

Applicant(s)

BRAYTON ET AL.

Examiner

Adam L. Basehoar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: The Amendment filed 01/19/07 to the RCE filed 08/08/06.
2. Claims 29-48 remain rejected.
3. Claims 29-48 remain pending in the case. Claims 29, 37, and 46 are independent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29-33, 35-44, and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pettersen (US-6,826,594 11/30/04) in view of Chen et al (US-6,021,437 02/01/00).

-In regard to independent claim 29, Pettersen teaches a method for serving data from a managed server, comprising:

serving a web page (Fig. 2: 86) to a requesting computer (Fig. 2: 80) from a managed server (Fig. 2: 90), the web page comprising a source call (column 4, lines 20-24; column 8, lines 57-61)(Fig. 2: 88) to an object file (column 4, lines 24-28 & 54-61; column 6, lines 23-25) (column 9, lines 2-14), wherein the requesting computer was remote from the managed sever (Fig. 2: 100);

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receiving a request from the requesting computer to the managed sever for the object file (column 4, lines 12-17; column 8, lines 61-63) ;

populating the object file in run-time with data from a management module of the managed server (Abstract: "can include a run-time modified content") after both serving the web page and receiving the request for the object file (column 8, lines 64-67; column 1-10); and

serving the object file to the requesting computer after populating the object file (column 9, lines 18-20).

Pettersen does not specifically teach wherein the data was indicative of a real-time current status of a managed server. Chen et al teach creating dynamic data indicative of the status of a managed server generated in real-time (Abstract; column 2, lines 31-67, column 4, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic data of Pettersen to have been created in real-time as disclosed in Chen et al, because Chen et al teach said process provides a simple, effective, and inexpensive to implement way for real-time monitoring of data (column 2, lines 31-38).

-In regard to dependent claim 30, Pettersen teaches wherein populating the object file comprises populating the object file with a scripting function (column 8, lines 6-14: "JavaScript").

-In regard to dependent claim 31, Pettersen teaches wherein the scripting function was JavaScript (column 8, lines 6-14: "JavaScript").

-In regard to dependent claim 32, Pettersen teaches wherein populating the object file comprise populating the object file with an array of data (column 4, lines 9-17; column 23-25; column 10, lines 51-55).

-In regard to dependent claim 33, Pettersen teaches acquiring run-time data (Abstract: "can include a run-time modified content"). Pettersen does not specifically teach wherein the data was indicative of a real-time current status of the server. Chen et al teach creating dynamic data indicative of the status of a managed server generated in real-time (Abstract; column 2, lines 31-67, column 4, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic data of Pettersen to have been created in real-time as disclosed in Chen et al, because Chen et al teach said process provides a simple, effective, and inexpensive to implement way for real-time monitoring of data (column 2, lines 31-38).

-In regard to dependent claim 35, Pettersen teaches serving the web page configured for a client computer which included a CPU, a storage memory, and RAM (column 19, lines 3-15). Pettersen does not specifically teach wherein the web page was configured for a handheld or palmtop computer platform. It would have been obvious to one of ordinary skill in the art at the time of the invention for the client computer of Pettersen to have been a handheld or palmtop computer for receiving the web pages, because PDA's, palmtops, and handhelds were notoriously well known in the art at the

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time of the invention as web computing devices that provided the benefit of mobile web accesses (e.g. WML protocol).

-In regard to dependent claim 36, Pettersen teaches serving the web page across the Internet (Fig. 2: 100). Pettersen does not specifically teach when serving the web page, serving a web page across a firewall. It would have been obvious to one of ordinary skill in the art at the time of the invention for the web page of Pettersen to have been sent across a firewall, because it was notoriously well known in the art at the time of the invention that firewalls provided the advantage of increased network security by enforcing restrictions on certain users and data.

-In regard to independent claim 37, Pettersen teaches a method of displaying a web page, comprising:

requesting at least a frame (column 4, lines 8-11: i.e. equivalent to the one or more defined areas or zones as claimed) of a web page (Fig. 2: 86) from a managed server (Fig. 2: 90), wherein the frame comprised a first embedded object (column 4, lines 18-28; column 9, lines 58-67; column 10, lines 1-5);

receiving the frame from the managed server (Fig. 2: 86);

requesting data (column 6, lines 23-25) corresponding to the first embedded object from a managed server after receiving the frame from the managed server (column 4, lines 18-28; column 8, lines 65-67; column 9, lines 1-4);

receiving the data corresponding to the first embedded object (column 9, lines 15-20); and

merging the data corresponding to the first embedded object into the frame (column 4, lines 9-17; column 9, line 20).

Pettersen does not specifically teach wherein the data was indicative of the managed server that provided the web page. Chen et al teach creating dynamic data indicative of the status of a managed server generated in real-time (Abstract; column 2, lines 31-67, column 4, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic data of Pettersen to have been created in real-time as disclosed in Chen et al, because Chen et al teach said process provides a simple, effective, and inexpensive to implement way for real-time monitoring of data (column 2, lines 31-38).

-In regard to dependent claim 38, Pettersen teaches comprises displaying a frame (column 4, lines 12-14: "different types of content may be placed in the pre-designated web page areas or zones").

-In regard to dependent claim 39, Pettersen teaches evaluating the frame to identify a source tag of the embedded object (column 8, lines 6-11; column 9, lines 4-9).

-In regard to dependent claim 40, Pettersen teaches dynamic data from a management module of the server (column 4, lines 1-67: "dynamic content").

-In regard to dependent claim 41, Pettersen teaches wherein the dynamic data was generated at run in response to the request for data corresponding to the embedded object

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(Abstract). Pettersen does not specifically teach wherein the data was indicative of a real-time current status of a managed server. Chen et al teach creating dynamic data indicative of the status of a managed server generated in real-time (Abstract; column 2, lines 31-67, column 4, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic data of Pettersen to have been created in real-time as disclosed in Chen et al, because Chen et al teach said process provides a simple, effective, and inexpensive to implement way for real-time monitoring of data (column 2, lines 31-38).

-In regard to dependent claim 42, Pettersen teaches wherein the data corresponding to the first embedded object comprises a scripting language function (column 8, lines 6-14: "JavaScript").

-In regard to dependent claim 43, Pettersen teaches wherein the frame could comprises a plurality of embedded objects linked to dynamic data in the managed server (column 4, lines 29-37), and wherein the scripting language function was configured to merge the dynamic data with the frame (column 4, lines 9-17; column 9, lines 18-20; column 10, lines 51-65).

-In regard to dependent claim 44, Pettersen teaches wherein the data corresponding to the first embedded object comprise display attributes (column 4, lines 31: "display attribute"). Pettersen does not specifically teach wherein the display attribute was current time and the dynamic data gathered at the managed server at the

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current time. Chen teaches wherein the display attribute for real-time wherein the dynamic data was gathered at the server at the real-time (Abstract; column 2, lines 31-67, column 4, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic data of Pettersen to have been created in real-time as disclosed in Chen et al, because Chen et al teach said process provides a simple, effective, and inexpensive to implement way for real-time monitoring of data (column 2, lines 31-38).

-In regard to independent claim 46, Pettersen teaches a server comprising:

a management module configure to generate dynamic data (column 4, lines 1-67: “dynamic content”; column 6, lines 23-25); and

a file system storing a web page (Fig. 2: 86) that has both a first embedded object (Fig. 2: 86)(column 8, lines 6-11 & 57-61; column 9, lines 4-9) configured to access the dynamic data (column 4, lines 1-67: “dynamic content”; column 6, lines 23-25) and a second embedded object configured to merge the dynamic data with the web page (column 8, lines 23-30; column 9, lines 20-31), wherein the first embedded object was executable on a client (Fig. 2: 80) remote (Fig. 2: 100) from the server (Fig. 2: 90) to request the dynamic data.

Pettersen does not specifically teach wherein the data was indicative of the status of a managed server. Chen et al teach creating dynamic data indicative of the status of a managed server generated in real-time (Abstract; column 2, lines 31-67, column 4, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic data of Pettersen to have been created in real-time as disclosed

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in Chen et al, because Chen et al teach said process provides a simple, effective, and inexpensive to implement way for real-time monitoring of data (column 2, lines 31-38).

-In regard to dependent claim 47, Pettersen teaches wherein the second embedded object was executable on a client remote from the server to merge the dynamic data with the web page (column 8, lines 23-30; column 9, lines 20-31).

6. Claims 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pettersen (US-6,826,594 11/30/04)) in view of Chen et al (US-6,021,437 02/01/00) in further view of Thurston (US-6,865,716 03/08/05).

-In regard to dependent claim 34, Pettersen does not specifically teach providing a language localization file. Thurston teaches a method for localizing a language of a web page via language localization files embedded within a server (column 1, lines 28-45). It would have been obvious to one of ordinary skill in the art at the time of the invention for Pettersen to have localized the language of the web page sent to the user, because Thurston teaches that localizing web pages supplies appropriate web pages tailored to the language skills of a given user (column 1, lines 20-27).

7. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pettersen (US-6,826,594 11/30/04)) in view of Chen et al (US-6,021,437 02/01/00) in further view of Lynch et al (US-6,823,319 11-2004).

-In regard to dependent claim 45, Pettersen teaches merging the data into the zones or areas (column 4, lines 7-17). Pettersen does not specifically teach populating a

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drop-down menu with a menu item. Lynch et al teach utilizing a script to populate a drop-down menu with menu items (column 7, lines 1-8). It would have been obvious to one of ordinary skill in the art at the time of the invention for the scripted dynamic content of Pettersen to have populated a drop-down menu, because Lynch teaches that said method saves time by creating the dynamic data from previously entered data (column 2, lines 8-24; column 7, lines 1-15).

8. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pettersen (US-6,826,594 11/30/04) in view of Chen et al (US-6,021,437 02/01/00) in further view of Ellison et al (US-6,487,547 11/26/02).

-In regard to dependent claim 48, Pettersen does not teach a lights-out management module. Ellison et al teach a providing a lights-out management module (column 12, lines 39-64). It would have been obvious to one of ordinary skill in the art at the time of the invention for Pettersen to have operated a lights-out management module for said management module, because Ellison et al teach that a lights-out management module provides the benefits of allowing system administrators to operate remotely (column 12, lines 39-64) which in turn reduce the reduce the total cost of maintaining the system (Abstract).

Response to Arguments

9. Applicant's arguments filed 01/19/07 have been fully considered but they are not persuasive.

-In regard to independent claims 29 and 37, Applicant argues that the Pettersen reference fails to teach or suggest where the managed server both serves the web page with the source call and receives a request for the object file. The Examiner respectfully disagrees and believes that Pettersen teaches that one embodiment was a client and single server system wherein the client could be the affiliate web site and the host server sending both the web page and the object file could be the content serving web site (column 8, lines 43-67; column 9, lines 1-31). Additionally, the Examiner believes that the preferred embodiment of the Pettersen reference (i.e. the two server system) would have been obvious to modify in view of the single managed server of the Chen reference. In this case, Pettersen generally teaches a method for delivering dynamic content from a server to a client browser after a web page had been provided to the client browser. The Pettersen reference also teaches wherein the dynamic content was generated at run time. The Pettersen reference however does not specifically teach wherein the data that was to be included in said web page was indicative of a real-time current status of a managed server. Chen et al cures this deficiency by teaching creating dynamic data indicative of the status of a managed server generated in real-time and delivering a web page with said dynamic data to a client browser (Abstract; column 2, lines 31-67, column 4, lines 10-19). Chen et al also teach that creating dynamic data in real-time provides the benefit of a simple, effective, and inexpensive way to implement real-time monitoring of data (column 2, lines 31-38). Thus Chen et al would have provided the Pettersen reference the

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ability for user system to provide administration and maintenance support of the affiliate web sites servers.

-In regard to independent claims 29 and 46, Applicant argues that neither of the references teach "a first embedded object is executable on a client remote from the server to request the dynamic data". As claimed, The Examiner does not find the Applicant's arguments persuasive in regards to attempting to differentiate the dynamic content of the Pettersen reference and the dynamic data of the claimed invention. In general dynamic data has been given its broadest reasonable interpretation as content that exists in a database on a web server that is pulled or placed on the page a user is viewing at the time it is needed rather than at a predetermined or fixed time. Pettersen clearly teaches wherein the dynamic data that could be inserted into the requested web page could be image based content, regular hyper-linked text....and the like (column 4, lines 10-17; column 6, lines 24-25; column 7, lines 6-43). Because Pettersen further teaches wherein the requested content could be modified by the affiliate web site (column 7, lines 1-5) the content therefore has not been considered as just static data. Pettersen also teaches wherein the look and behavior of the dynamic content could be varied according to a content modification level and could include run-time modified content (Abstract; column 10, lines 6-22: "revenue link....dynamically updated").

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ALB

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